

FEB 09 2006

CL1241USNADIV

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MICHAEL BRIAN D'AMORE ET AL.  
SERIAL NO.: 09/836,920 ART UNIT: 1621  
FILED: APRIL 18, 2001 EXAMINER: PAUL F. SHAVER  
FOR: PROCESS FOR THE SELECTIVE OXIDATION OF ORGANIC  
COMPOUNDS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATUS INQUIRY

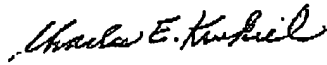
Sir:

This application was transmitted for filing on April 18, 2001. The application has been assigned Serial Number 09/836,920 and has received a filing date of April 18, 2001. An Office Action was received November 13, 2001 which had a due date of December 6, 2001. This action was never brought to the attorney's attention and therefore, the application went abandoned (Paper No. 5 dated September 23, 2002). After receipt of this abandonment notice, applicant's attorney filed a Petition to Revive an Unintentionally Abandoned Application on December 2, 2002. Paper No. 11 (dated January 16, 2003) from the Office of Petitions granted our petition to revive the above application (copy of Paper No. 11 attached).

At this time, Applicant has received no further communication from the Patent Office for over three years. Applicant requests this Application be processed for prosecution or an indication of its status be provided.

Respectfully submitted,  
Invista North America S.À R.L.

By: \_\_\_\_\_

  
Charles E. Krukiel  
Attorney for Applicant  
Registration No. 27,344  
Telephone No. 302-683-3316

Dated: February 9, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

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Barley Mill Plaza 25/1128  
4417 Lancaster Pike  
Wilmington, DC 19898In re Application of  
Michael B. D'Amore, et al.  
Application No. 09/836,920  
Filed: April 18, 2001  
Attorney Docket No. CL1241 US DIV

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 2, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed November 6, 2001, which set a shortened statutory period for reply of thirty (30) days. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 7, 2001.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the above-identified application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. Since the application is not a utility or plant application filed before June 8, 1995, a terminal disclaimer is not required. Accordingly, the terminal disclaimer filed with the instant petition is unnecessary. Therefore, the fee of \$110.00 will be refunded to petitioner in due course.

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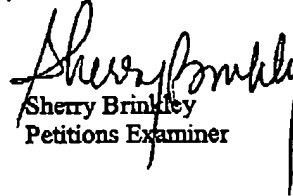
An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S. 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$920.00 extension of time submitted with the petition on December 2, 2002 was subsequent to the maximum extendable period for reply, the extension of time filed with the instant petition is unnecessary and the fee will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 1600, Art Unit 1621.



Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



Sherry Brinkley  
Petitions Examiner